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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10:075,469	02/13/2002	James M. Florence	SLA 355	9238

7590 09/04/2003

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EXAMINER

SEVER, ANDREW T

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 09/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/075,469

Applicant(s)

FLORENCE, JAMES M.

Examiner

Andrew T Sever

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20 is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Power of Attorney

1. According to the PALM record a power of attorney has been granted, however there is no record of a Power of Attorney in the application. If applicant has employed the services of an attorney and/or previously submitted a Power of Attorney, applicant is requested to resubmit or submit (whichever is appropriate) a properly executed Power of Attorney in reply to this action.

Drawings

2. New corrected drawings are required in this application because holes have been punched through part of the drawings rendering at least one of the labels unreadable. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

(It is assumed that the labeled that has been made unreadable is 36 as it is the label for the box that corresponds to the box labeled 36 is figure 2.)

Specification

3. The attempt to incorporate subject matter into this application by reference to a patent application entitled "Two-Panel Reflective Liquid Crystal Display Projection system and Method of Using the Same" is improper because the application number is not given and further the filing date has been left blank.

Applicant needs to amend the specification to include both the application number and filing date of the copending application. The office assumes that the copending application is 10/022,768 filed on Dec. 13, 2001, which has a Patent Application Publication number of US 2003/0117357.

Allowable Subject Matter

4. Claims 1-20 are allowed.
5. The following is an examiner's statement of reasons for allowance:
- Applicant claims in independent claims 1, 10, and independent method claim 18 a electronically controllable quarter wave plate which adjusts between at least a first and second state, which are appropriate for an at least first and second wavelength of light, passed by a color switch such as a color wheel or other well known color switch. This was not found in the prior art. US 2002/0140904 to Brennesholtz teaches in figure 1 a variable retarder such as the claimed quarter wave plate, however Brennesholtz's retarder is being used (as shown in figure 2) for projector color correction; Brennesholtz provides no teaching or suggestion of using the variable retarder with a color switch, rather

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Brennesholtz's retarder is used to improve the white light (see paragraphs 12-15). US 6,547,396 to Svardal et al. teaches a variable retarder in figure 3 (part 132). The variable retarder is used to switch the light between a left and right polarization for purposes of making a right a left image in a stereographic projection, not to introduce a specific birefringent delay corresponding to one quarter of a wavelength of light.

Since no prior art provided the missing teachings of Brennesholtz and Svardal's retarder is not a quarter wave plate, claims 1, 10, and 18 are allowed. Claims 2-9, 11-17 and 19-20 are dependent on 1, 10, and 18 respectively, they are therefore also allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5,863,125 to Doany, teaches in figure 7 a projector which uses a polarizer (450) after a color wheel (300).

US 6,390,626 to Knox, teaches in figure 15 a projector which places a color switch (532) after a beam splitter (534)

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7. This application is in condition for allowance except for the following formal matters:

See objection to the drawings and specification.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.


A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T Sever whose telephone number is 703-305-4036. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell Adams can be reached on 703-308-2847. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

AS


RUSSELL ADAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800